



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,134	11/19/2001	Richard Detweiler	EXTS113	6960

25681 7590 02/26/2007
ORMISTON & MCKINNEY, PLLC
802 W. BANNOCK STREET, SUITE 400
P.O. BOX 298
BOISE, ID 83701-0298

EXAMINER

GYORFI, THOMAS A

ART UNIT	PAPER NUMBER
----------	--------------

2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/075,134	DETWEILER ET AL.	
	Examiner	Art Unit	
	Tom Gyorfi	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-12, 15, 17-23, 26-28, 31, 47 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12, 15, 17-23, 26-28, 31, and 47-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-7, 10-12, 15, 17-23, 26-28, 31, and 47-48 remain for examination.

Response to Arguments

2. Applicant's arguments filed 11/29/06 have been fully considered but they are not persuasive. On page 13 of the amendment, Applicant argues, "Ferrat makes no mention or suggestion that the hub server ascertains whether the pushed changes have already been published or deleted in a data store of the hub server prior to updating the data store. Further more, the Ferrat mentions nothing of ignoring the pushed changes if it is ascertained that the hub server's record store has already been updated with the pushed changes." Examiner disagrees, noting that Ferrat discloses that only those records from a given record store that have changed will be updated, because doing so reduces bandwidth consumption (paragraph 0013), and further observes that in at least one embodiment the remote data store is capable of identifying only those records that have changed – from which it necessarily follows that any record that has not changed has already been pushed to the remote application store (see paragraph 0087). Even assuming arguendo that this somehow does not read on the claim limitation in dispute, it would be obvious to one of ordinary skill in the art at the time the invention was made to ignore a pushed record that has not been changed, because pushing redundant records would waste valuable resources (Ferrat, paragraph 0013 again). As the remaining arguments against the other claims are substantially similar to the argument traversing claim 1, thus they are also rejected for similar reasons as presented above.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-7, 10-12, 15, 17-23, 26-28, 31, and 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (U.S. Pre-grant Publication 2002/0174180) and further in view of Ferrat et al. (U.S. Pre-grant Publication 2005/0055382).

Referring to Claims 1 and 17:

Brown discloses a coordinated push synchronization method, comprising the acts of:

- detecting changes to a local application data store (paragraph 0056-0057);
- identifying a record affected by a detected change (paragraph 0057);
- pushing the identified record to a remote application data store (paragraph 0057).
- ascertaining whether the [pushed] record, in its current form as affected by the detected change, has already been replicated or deleted in the remote application data store in order to determine whether the remote application data store will be updated with the pushed record; if not, updating the remote application data store with the pushed record (paragraphs 0071 and 0080-0083); and
- identifying the [pushed] record in the remote application data store as a pushed record (paragraph 0066) and identifying the [pushed] record in the remote application

data store as having been pushed from the local application data store to the remote application data store, otherwise ignoring the [pushed] record (paragraph 0071).

The system disclosed Brown uses an identifier to determine whether the record to be updated on the remote application data store before pushing the identified record to the remote application data store (paragraphs 0091-0094). However, Ferrat discloses wherein the record is pushed to the remote application data store prior to determining whether the record should be updated (paragraphs 0089-0091). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the synchronization method of Ferrat into that disclosed by Brown. The motivation for doing so would be to improve the ability to share common data across multiple platforms (Ferrat, paragraphs 0010-0011).

Referring to Claims 5 and 21:

Brown discloses a coordinated user-initiated synchronization method, comprising the acts of:

detecting changes to a local application data store (paragraph 0040); and

identifying a record affected by a detected change (paragraph 0041-0043);

Brown appears to be silent regarding ascertaining whether the identified record, in its current form as affected by the detected change, was pushed to the local application data store; and if not, synchronizing the remote application data store with the local application data store. However, Ferrat teaches these limitations (paragraphs 0089-0091). It would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2135

invention was made to include the synchronization method of Ferrat into that disclosed by Brown. The motivation for doing so would be to improve the ability to share common data across multiple platforms (Ferrat, paragraphs 0010-0011).

Referring to Claims 10 and 26:

Brown discloses a coordinated push and user-initiated synchronization method, comprising:

- detecting changes to a local application data store (paragraph 0040);

- identifying a first record in the local application data store affected by a detected change (paragraph 0041-0043);

- pushing the first record to a remote application data store (paragraph 0040);

- ascertaining whether the identified [pushed] record, in its current form as affected by the detected change, has already been replicated in or deleted the remote application data store and, if not, updating the remote application data store with the [pushed] record (paragraph 0040);

- detecting changes to the remote application data store (paragraph 0057);

- identifying a second record in the remote application data store affected by a detected change (paragraph 0057);

- ascertaining whether the second record, in its current form as affected by the detected change, has already been pushed into the remote application data store in order to determine whether the remote application data store will be updated with the [pushed] record and, if not, synchronizing the remote application data store with the

local application data store, otherwise ignoring the [pushed] record (paragraphs 0071-0083).

The system disclosed Brown uses an identifier to determine whether the record to be updated on the remote application data store before pushing the identified record to the remote application data store (paragraphs 0091-0094). However, Ferrat discloses wherein the record is pushed to the remote application data store prior to determining whether the record should be updated (paragraphs 0089-0091). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the synchronization method of Ferrat into that disclosed by Brown. The motivation for doing so would be to improve the ability to share common data across multiple platforms (Ferrat, paragraphs 0010-0011).

Referring to Claims 2 and 18:

Brown and Ferrat disclose the limitations of Claims 1 and 17 above. Brown further discloses wherein the act of ascertaining includes comparing a local change counter associated with the pushed record in the local application data store with a remote change counter associated with a corresponding record in the remote application data store (paragraph 0079).

Referring to Claims 3, 7, 19 and 23:

Brown and Ferrat disclose the limitation of Claims 1, 5, 17 and 21 above. Brown further discloses, wherein the act of pushing the identified record comprises:

if the identified record has been detected as being new, pushing a replica of the identified record with instructions to save the replica in the remote application data store (paragraph 0080);

if the identified record has been detected as being modified, pushing a replica of the identified record with instruction to save the replica in the remote application data store replacing a prior version of the record (paragraph 0082); and

if the identified record has been detected as being deleted, pushing instructions to delete a prior version of the identified contained in the remote application data store (paragraph 0081).

Referring to Claims 4 and 20:

Brown and Ferrat disclose the limitation of Claims 1 and 17 above. Brown further discloses, wherein the act of identifying the pushed record in the remote application data store as a pushed record comprises associating an indicator with the pushed record identifying the pushed record in the remote application data store as a pushed record (paragraph 0066).

Referring to Claims 6 and 22:

Brown and Ferrat disclose the limitation of Claims 5 and 21 above. Brown further discloses, wherein the act of ascertaining includes examining an indicator associated with a pushed record identifying the pushed record in the remote application data store as a pushed record (paragraph 0066).

Referring to Claims 11 and 27:

Brown and Ferrat disclose the limitation of Claims 10 and 26 above. Brown further discloses, wherein the act of ascertaining whether the pushed record has been replicated in or deleted from a the remote application data store includes comparing a local change counter associated with the pushed record in the local application data store with a remote change counter associated with a corresponding record in the remote application data store (paragraph 0079-83).

Referring to Claims 12 and 28:

Brown and Ferrat disclose the limitation of Claims 10 and 26 above. Brown further discloses, wherein the act of ascertaining whether the pushed record has been replicated in or deleted from the remote application data store includes examining an indicator associated with the pushed record identifying the pushed record in the remote application data store as a pushed record (paragraph 0066).

Referring to Claims 15 and 31:

Brown and Ferrat disclose the limitation of Claims 10 and 26 above. Brown further discloses, after updating the remote application data store with the pushed record, identifying the pushed record in the remote application data store, as having been pushed from the local application data store to the remote application data store (paragraphs 0066 and 0071).

Referring to Claim 47:

Brown and Ferrat disclose the limitation of Claim 4 above. Brown further discloses, wherein the act of associating comprises setting a coordination flag for the pushed record (paragraph 0066).

Referring to Claim 48:

Brown and Ferrat disclose the limitation of Claim 6 above. Brown further discloses, wherein the Indicator comprises a coordination flag, a set coordination flag indicating that a record is a pushed record and a reset coordination flag indicating that the record is not a pushed record (paragraph 0066).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2135

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

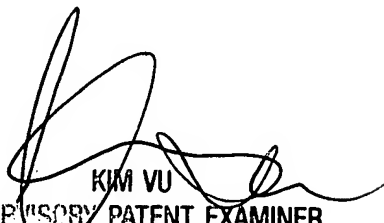
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849.

The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG
2/15/07


KIM VU
SUPERVISOR PATENT EXAMINER
TECHNOLOGY CENTER 2100